

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

13

Valerio

-v-

Division of Parole

U.S.C.A. #

U.S.D.C. #

07-cv-9867

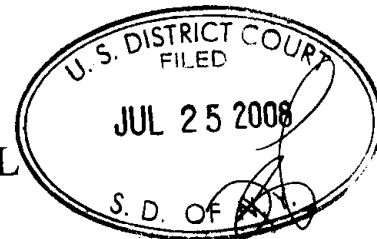
JUDGE:

GEL

DATE:

JULY 25, 2008

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK
FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK
ADDRESS: 500 PEARL STREET, ROOM 370
NEW YORK, NEW YORK 10007
PHONE NO.: (212) 805 - 0636

DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

** ONLY CIRCLED DOCUMENTS ARE INCLUDED **

** ALL OTHERS MISSING AT THIS TIME **

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 25TH Day of July, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Valeio
-v-
Division of Public

U.S.C.A. # _____
U.S.D.C. # 07-W-9867
JUDGE: GEL
DATE: JULY 25, 2008

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 12, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
_____	_____
_____	BALANCE OF FILE MISSING AT THIS TIME
_____	_____
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_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 25TH Day of July In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By _____

[Signature]
Deputy Clerk

APPEAL, CLOSED, HABEAS, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-09867-GEL
Internal Use Only

Valerio v. Division of Parole
Assigned to: Judge Gerard E. Lynch
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 11/07/2007
Date Terminated: 06/17/2008
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Date Filed	#	Docket Text
11/07/2007	1	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2254. Document filed by Allen Valerio.(jeh) (Entered: 11/16/2007)
11/07/2007		Magistrate Judge Gabriel W. Gorenstein is so designated. (jeh) (Entered: 11/16/2007)
11/20/2007	2	ORDER: the respondent is to file an answer to the petition or other pleading in response thereto, along with the record on appeal, appellate briefs, and relevant trial and post conviction records and transcripts, no later than 1/4/2008. The Clerk of Court shall serve a copy of this Order and Petition, by certified mail, upon Division of Parole, Attorney General of the State of New York and District Attorney of New York County. (Signed by Judge Gerard E. Lynch on 11/20/07) (kco) (Entered: 11/21/2007)
11/21/2007		Mailed a copy of 2 Order to Answer, 1 Petition for Writ of Habeas Corpus to the District Attorney of New York County by Certified Mail # 7002 2030 0001 1915 1435 with Return Receipt Requested. (tve) (Entered: 12/19/2007)
11/21/2007		Mailed a copy of 2 Order to Answer, 1 Petition for Writ of Habeas Corpus to the Attorney General of the State of New York by Certified Mail # 7001 2510 0002 8738 1179 with Return Receipt Requested. (tve) (Entered: 12/19/2007)
12/02/2007		Received Return Receipt of 2 Order to Answer, 1 Petition for Writ of Habeas Corpus as to the District Attorney of New York County, which was served by Certified Mail # 7002 2030 0001 1915 1435. (tve) (Entered: 12/19/2007)
12/02/2007		Received Return Receipt of 2 Order to Answer, 1 Petition for Writ of Habeas Corpus as to the Attorney General of the State of New York, which was served by Certified Mail # 7001 2510 0002 8738 1179, on 11/26/2007. (tve) (Entered: 12/19/2007)
12/17/2007	3	ENDORSED LETTER addressed to Judge Gerard E. Lynch from Frederick Wen dated 12/14/07 re: Request for a 60 day extension of time until 3/4/08, to respond to the petition. ENDORSEMENT: So ordered. Division of Parole answer due 3/4/2008. (Signed by Judge Gerard E. Lynch on 12/17/07) (cd) (Entered: 12/18/2007)
12/27/2007	4	NOTICE OF APPEARANCE by Frederick Hongyee Wen on behalf of Division of Parole (dj) (Entered: 01/07/2008)
02/27/2008	5	ENDORSED LETTER addressed to Judge Gerard E. Lynch from Frederick H. Wen dated 2/22/08 re: Counsel for the respondent in this matter request a 60-day extension of time to file his answer to the above-referenced habeas corpus petition until 3/4/08. ENDORSEMENT: *Granted. There will be no further extensions. (Signed by Judge Gerard E. Lynch on 2/27/08) (tro) (Entered: 02/28/2008)
05/05/2008	6	STATE COURT TRANSCRIPT of proceedings in the Supreme, County of New York, Case Number 2405-02, held on 1/8/02 before Judge Michael Ambrecht.(pl) (Entered: 05/06/2008)
05/05/2008	7	NOTICE of Substitution of Attorney. Document filed by Division of Parole. Added attorney Jennifer Lynn Johnson for Division of Parole. Attorney Frederick Hongyee Wen terminated. (pl) (Entered: 05/06/2008)
05/05/2008	8	MEMORANDUM OF LAW in Opposition re: 1 Petition for Writ of Habeas Corpus. Document filed by Division of Parole. (jp) (Entered: 05/06/2008)
05/05/2008	9	DECLARATION of Jennifer L. Johnson in Opposition re: 1 Petition for Writ of Habeas Corpus. Document filed by Division of Parole. (jp) (Entered: 05/06/2008)
06/16/2008	10	OPINION AND ORDER #96141, that for the foregoing reasons, none of Valerio's claims of constitutional error have merit. His petition is therefore denied. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. (Signed by Judge Gerard E. Lynch on 6/16/08) (cd) Modified on 6/17/2008 (dle). (Entered: 06/17/2008)
06/16/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 10 Memorandum & Opinion, to the Judgments and Orders Clerk. (cd) (Entered: 06/17/2008)
06/17/2008	11	CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated June 16, 2008, the petition for a writ of habeas corpus is denied; the Court finds that because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. (Signed by J. Michael McMahon, clerk on 6/17/08) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 06/17/2008)
06/17/2008		Mailed notice of Right to Appeal to Pro Se Litigant(s): Allen Valerio and to Attorney(s) of Record: Jennifer Lynn Johnson. (ama) (Entered: 06/19/2008)
07/15/2008	12	NOTICE OF APPEAL from 11 Clerk's Judgment. Document filed by Allen Valerio. Filing fee \$ 5.00, receipt number E 656873. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 07/24/2008)
07/15/2008		Appeal Remark as to 12 Notice of Appeal filed by Allen Valerio. \$450.00 APPEAL FEE DUE. COA DENIED 6/16/08. (tp) (Entered: 07/24/2008)
07/24/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 12 Notice of Appeal. (tp) (Entered: 07/24/2008)
07/24/2008		Transmission of Notice of Appeal to the District Judge re: 12 Notice of Appeal. (tp) (Entered: 07/24/2008)

